

Appendix A

(The content of this appendix has been excerpted and adapted from the October 1999, 5 A Day For Better Health Program Guidebook¹)

A-1	Industry License Agreement: 5 A Day For Better Health Program	A-3
A-2	Health Authority License/Sublicense Agreements: 5 A Day For Better Health Program	A-5
	<i>Health Authority License Agreement</i>	<i>A-5</i>
	<i>Health Authority Sublicense Agreement for a Single Entity</i>	<i>A-7</i>
	<i>Health Authority Sublicense Agreement for Coalitions</i>	<i>A-9</i>
A-3	Guidelines for Participation in the 5 A Day For Better Health Program.....	A-11
A-4	Guidelines for Health Authorities: 5 A Day For Better Health Program	A-17
A-5	Industry Guidelines: 5 A Day For Better Health Program.....	A-25
	<i>Application for Ancillary Product Approval.....</i>	<i>A-37</i>
	<i>Ancillary Product Approval Form</i>	<i>A-39</i>
	<i>Ancillary Product License Agreement</i>	<i>A-41</i>
A-6	Guidelines for Federal Government Programs: 5 A Day For Better Health Program	A-43
	<i>Federal Government Program License Agreement.....</i>	<i>A-49</i>

¹ Hereby referenced as the 10/99 Program Guidebook

Appendix A-1

INDUSTRY LICENSE AGREEMENT: 5 A DAY FOR BETTER HEALTH PROGRAM

The 5 A DAY FOR BETTER HEALTH PROGRAM is a cooperative project of the National Cancer Institute and the Produce for Better Health Foundation (PBH). PBH is herein referred to as LICENSOR. Its purpose is to increase the consumption of fruits and vegetables by Americans. Under the project, organizations agreeing to comply with the terms and conditions set forth herein may be certified to participate in the program, and to use the 5 A DAY FOR BETTER HEALTH logo and related materials.

(YOUR ORGANIZATION'S NAME)

herein referred to as LICENSEE, is desirous of participating in the 5 A DAY FOR BETTER HEALTH PROGRAM.

Effective on the subscribed date, in consideration of receipt of the program logo and related materials, LICENSEE agrees to the following terms and conditions:

1. Use of Program Logo and Related Materials

LICENSOR grants LICENSEE, its agents, and employees a nonexclusive, nontransferable, royalty-free right to use the program logo and related materials in connection with the promotion of the Program and/or the packaging, advertising, and selling of its food industry products throughout the United States of America in accordance with, and in the form and manner prescribed in, the Guidelines for Participation in the 5 A DAY FOR BETTER HEALTH PROGRAM, a copy of which is attached and made a part hereof by reference, as such guidelines may be amended from time to time.

2. Quality Maintenance Standards

LICENSEE shall cooperate with LICENSOR in assuring proper use of the Program logo and related materials, including providing LICENSOR with periodic evaluation reports, as specified in the Guidelines, and specimens of use of the Program logo and related materials upon request. LICENSEE shall comply with all applicable laws and regulations and obtain all appropriate Government approvals pertaining to the promotion, packaging, advertising, and sale of goods covered by this license.

3. Termination

- A. LICENSOR may terminate this agreement with thirty (30) days written notice to LICENSEE upon completion of the 5 A DAY FOR BETTER HEALTH PROGRAM. LICENSEE may terminate this agreement upon thirty (30) days written notice to LICENSOR. Upon such termination, LICENSEE shall in a timely manner discontinue all use of the program logo and related materials, and delete the same from its promotional, packaging, advertising, selling, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.
- B. LICENSOR may terminate this agreement with thirty (30) days written notice to LICENSEE for breach of any of the provisions of this agreement by LICENSEE. Upon such termination, LICENSEE shall immediately discontinue all use of the program logo and related materials, and delete the same from its promotional, packaging, advertising, selling, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

FOR LICENSEE (COMPANY)

BY (AUTHORIZED SIGNATURE)

DATE

NAME AND TITLE OF PERSON SIGNING (PLEASE PRINT)

STREET ADDRESS

CITY

STATE

ZIP

PHONE

FAX

Type of Company:

_____ Retailer/service wholesaler

_____ Commercial food-service operator

_____ Terminal market operator

_____ Broker

_____ Noncommercial food-service operator

_____ Processor

_____ Merchandiser/supplier

_____ Food-service distributor

_____ Other (*please indicate*) _____

Appendix A-2

HEALTH AUTHORITY LICENSE AGREEMENT: 5 A DAY FOR BETTER HEALTH PROGRAM

The 5 A DAY FOR BETTER HEALTH PROGRAM is a cooperative project of the National Cancer Institute and the Produce for Better Health Foundation. The purpose of the program is to increase the consumption of fruits and vegetables by Americans. Health organizations agreeing to comply with the terms and conditions set forth herein may be certified to participate in the program, and to use the 5 A DAY FOR BETTER HEALTH PROGRAM logo and related materials. (The National Cancer Institute is herein referred to as LICENSOR.)

(YOUR ORGANIZATION'S NAME)

herein referred to as LICENSEE, is desirous of participating in the 5 A DAY FOR BETTER HEALTH PROGRAM.

Effective on the subscribed date, in consideration of receipt of the program logo and related materials, LICENSEE agrees to the following terms and conditions:

1. Use of Program Logo and Related Materials

LICENSOR grants LICENSEE, its agents, and employees, a non-exclusive, royalty-free right to use the program logo and related materials in connection with the promotion of the program throughout the State of _____ (your State) in accordance with, and in the form and manner prescribed in, the GUIDELINES FOR PARTICIPATION IN THE 5 A DAY FOR BETTER HEALTH PROGRAM, a copy of which is attached and made a part hereof by reference, as such guidelines may be amended from time to time.

2. Quality Maintenance Standards

LICENSEE shall cooperate with LICENSOR in assuring proper use of the program logo and related materials, including providing LICENSOR with periodic evaluation reports, as specified in the Guidelines, and specimens of use of the program logo and related materials upon request. LICENSEE shall comply with all applicable laws and regulations pertaining to food labeling and health claims.

3. Termination

- A. LICENSOR may terminate this agreement with a thirty (30) day written notice to LICENSEE upon completion of the 5 A DAY FOR BETTER HEALTH PROGRAM. LICENSEE may terminate this agreement upon thirty (30) days written notice to LICENSOR. Upon such termination, LICENSEE shall in a timely manner discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

B. LICENSOR may terminate this agreement with a thirty (30) day written notice to LICENSEE for breach of any of the provisions of this agreement by LICENSEE. Upon such termination, LICENSEE shall immediately discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

LICENSEE

LICENSOR
NATIONAL CANCER INSTITUTE

SIGNATURE: STATE HEALTH OFFICER

SIGNATURE

TYPED NAME

TYPED NAME

TITLE

TITLE

DATE

DATE

HEALTH AUTHORITY SUBLICENSE AGREEMENT FOR A SINGLE ENTITY: 5 A DAY FOR BETTER HEALTH PROGRAM

The 5 A DAY FOR BETTER HEALTH PROGRAM is a cooperative project of the National Cancer Institute and the Produce for Better Health Foundation. The purpose of the program is to increase the consumption of fruits and vegetables by Americans. Health organizations agreeing to comply with the terms and conditions set forth herein may be certified to participate in the program, and to use the 5 A DAY FOR BETTER HEALTH logo and related materials.

(STATE HEALTH AUTHORITY LICENSED BY THE NATIONAL CANCER INSTITUTE)

is herein referred to as SUBLICENSOR.

(YOUR ORGANIZATION'S NAME)

herein referred to as SUBLICENSEE, is desirous of participating in the 5 A DAY FOR BETTER HEALTH PROGRAM.

Effective on the subscribed date, in consideration of receipt of the Program logo and related materials, SUBLICENSEE agrees to the following terms and conditions:

1. Use of Program Logo and Related Materials

SUBLICENSOR grants SUBLICENSEE, its agents, and employees, a non-exclusive, non-transferable, royalty-free right to use the program logo and related materials in connection with the promotion of the program throughout the county or locale of _____ in accordance with, and in the form and manner prescribed in, the GUIDELINES FOR PARTICIPATION IN THE 5 A DAY FOR BETTER HEALTH PROGRAM, a copy of which is attached and made a part hereof by reference, as such Guidelines may be amended from time to time.

2. Quality Maintenance Standards

SUBLICENSEE shall cooperate with SUBLICENSOR in assuring proper use of the program logo and related materials, including providing SUBLICENSOR with periodic evaluation reports, as specified by the SUBLICENSOR, and specimens of use of the program logo and related materials upon request. SUBLICENSEE shall comply with all applicable laws and regulations pertaining to food labeling and health claims.



3. Termination

- A. SUBLICENSOR may terminate this agreement with a thirty (30) day written notice to SUBLICENSEE upon completion of the 5 A DAY FOR BETTER HEALTH PROGRAM. SUBLICENSEE may terminate this agreement upon thirty (30) days written notice to SUBLICENSOR. Upon such termination, SUBLICENSEE shall in a timely manner discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.
- B. SUBLICENSOR may terminate this agreement with a thirty (30) day written notice to SUBLICENSEE for breach of any of the provisions of this agreement by SUBLICENSEE. Upon such termination, SUBLICENSEE shall immediately discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

SUBLICENSEE

SUBLICENSOR

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

TYPED NAME

TYPED NAME

TITLE

TITLE

DATE

DATE

HEALTH AUTHORITY SUBLICENSE AGREEMENT FOR COALITIONS: 5 A DAY FOR BETTER HEALTH PROGRAM

The 5 A DAY FOR BETTER HEALTH PROGRAM is a cooperative project of the National Cancer Institute and the Produce for Better Health Foundation. The purpose of the program is to increase the consumption of fruits and vegetables by Americans. Health organizations agreeing to comply with the terms and conditions set forth herein may be certified to participate in the program, and to use the 5 A DAY FOR BETTER HEALTH logo and related materials.

(STATE HEALTH AUTHORITY LICENSED BY THE NATIONAL CANCER INSTITUTE)

is herein referred to as SUBLICENSOR.

(YOUR ORGANIZATION'S NAME)

herein referred to as SUBLICENSEE, is desirous of participating in the 5 A DAY FOR BETTER HEALTH PROGRAM as coordinator of the coalition.

(NAME OF COALITION)

Effective on the subscribed date, in consideration of receipt of the program logo and related materials, SUBLICENSEE agrees to the following terms and conditions:

1. Use of Program Logo and Related Materials

SUBLICENSOR grants SUBLICENSEE, and its coalition members, a non-exclusive, non-transferable, royalty-free right to use the program logo and related materials in connection with the promotion of the Program in the counties of _____ within the State of _____ (your State) in accordance with, and in the form and manner prescribed in, the GUIDELINES FOR PARTICIPATION IN THE 5 A DAY FOR BETTER HEALTH PROGRAM, a copy of which is attached and made a part hereof by reference, as such Guidelines may be amended from time to time.

2. Quality Maintenance Standards

SUBLICENSEE and its coalition members shall cooperate with SUBLICENSOR in assuring proper use of the program logo and related materials, including providing SUBLICENSOR with periodic evaluation reports, as specified by the SUBLICENSOR, and specimens of use of the program logo and related materials upon request. SUBLICENSEE and its coalition members shall comply with all applicable laws and regulations pertaining to food labeling and health claims.

3. List of Coalition Members

SUBLICENSEE shall inform each coalition member of the need to comply with the GUIDELINES FOR PARTICIPATION IN THE 5 A DAY FOR BETTER HEALTH PROGRAM. SUBLICENSEE shall append to this sublicense agreement a list of coalition members, including: name, address, and phone number of organization; name and title of each organization's representative to the coalition; and date the organization joined the coalition. Membership updates shall be sent to the National Cancer Institute with each semi-annual report.

4. Termination

- A. SUBLICENSOR may terminate this agreement with a thirty (30) day written notice to SUBLICENSEE upon completion of the 5 A DAY FOR BETTER HEALTH PROGRAM. SUBLICENSEE may terminate this agreement upon a thirty (30) day written notice to SUBLICENSOR. Upon such termination, SUBLICENSEE shall in a timely manner discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.
- B. SUBLICENSOR may terminate this agreement with a thirty (30) day written notice to SUBLICENSEE for breach of any of the provisions of this agreement by SUBLICENSEE or any of its coalition members. Upon such termination, SUBLICENSEE and all its coalition members shall immediately discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

SUBLICENSEE

SUBLICENSOR

SIGNATURE: Coordinator of Coalition

SIGNATURE

TYPED NAME

TYPED NAME

TITLE

TITLE

DATE

DATE

Appendix A-3

GUIDELINES FOR PARTICIPATION IN THE 5 A DAY FOR BETTER HEALTH PROGRAM

The 5 A Day Program Guidelines are divided into distinct sections. Guideline section I of this appendix applies to *all* licensed participants. Guideline sections I through VI of Appendix A-5 outline the requirements that pertain specifically to the different types of participants in this program. In addition to adhering to all requirements in Guideline I, it is the responsibility of each participant to also adhere to the Guideline section(s) that pertain(s) to activities. These Guidelines are extracted from the *5 A Day For Better Health Program Guidebook*.

I. General Guidelines (for all participants)

In exchange for the assistance of the National Cancer Institute (NCI) as the health authority for the 5 A Day Program, it is essential that the program's participants use the trademarked materials and logos in accordance with the Guidelines and criteria set forth in this document. This should be carried out in a spirit of cooperation that retains the integrity of fruits and vegetables as low-fat foods, increases consumer understanding of diet and health relationships, and helps consumers develop skills to choose a nutritious diet that is consistent with the *Dietary Guidelines for Americans*.

Program activities must be conducted and materials must be used in a fashion that maintains the integrity and status of the NCI as an entity of the U.S. Government. No promotional activity may be undertaken by a participant that could give the appearance of an endorsement by NCI of a specific product, service, or company.

Because the logo is the property of NCI, its use must be recorded and monitored to maintain the assurance of its proper and legal use. This is the primary reason for the annual license for industry licensees (non-industry licenses are valid indefinitely) and requirements (listed in the Guidelines) for a licensee to supply reports and samples of materials developed using the logo. Any misuse of the logo or the program may result in revocation of the license and the possibility of legal action by the appropriate Government authorities or the Produce for Better Health Foundation (PBH). Thus, it is important for all program participants to be familiar with the Guidelines and to contact NCI or PBH when applications of the logo or use of the program is desired but not specifically outlined in the Guidelines.

A. Criteria for Products Promotable Through the 5 A Day Program (Revised 1/6/95)

1. All fruits and vegetables are applicable, with the exception of avocados, coconuts, olives, and nuts. The program logo may be used to promote recipes with avocados, coconut, olives, or nuts as ingredients if recipes meet the 5 A Day Recipe Criteria (see section D of this appendix).
2. All fruits and vegetables processed by drying, freezing, or canning (except avocados, coconut, olives, and nuts) are included, provided that no fat or sugar (sucrose, glucose, dextrose, fructose, maltose, lactose, sorbitol, mannitol, honey, corn syrup, corn syrup solids, or molasses) have been added. In addition, the sodium content cannot exceed the Food and Drug Administration's (FDA) disqualifying level for health claims which is 480 mg/FDA labeled serving size and FDA reference amount.

3. All juice products that are 100% juice or juice concentrate, without added fat or sugar, and meets the FDA disqualifying level for sodium, which is 480 mg/FDA labeled serving size (8 oz) and FDA reference amount (240 ml).
4. All promotions of fruits and vegetables done in association with the program must retain the nutrient integrity of fruits and vegetables as low-fat, lower calorie foods.

B. Serving Sizes

For program recipes and consumer education activities, a serving is a medium piece of fruit; 1/2 cup of raw, cooked, canned, or frozen fruits or vegetables; 1 cup of leafy salad greens; 1/4 cup of dried fruit; 6 ounces (3/4 cup) of 100% fruit or vegetable juice; or 1/2 cup of cooked or canned beans or peas (legumes; e.g., lentils, pinto beans, or kidney beans). Serving sizes used in the program are consistent with the *Dietary Guidelines for Americans*. FDA food-labeling regulations stipulate serving sizes on labels that may not be consistent with these Guidelines (e.g., one serving of juice is 1 cup for a food label).

C. Recipe Use

The 5 A Day recipe criteria (see below) shall be the standard used for all recipes used in program activities and materials. The program may occasionally revise the criteria to reflect changes in U.S. dietary recommendations.

D. Recipe Criteria

NCI and PBH approve current recipes associated with the 5 A Day Program that promote fruits and vegetables and are low in fat and cholesterol. The use of whole grains and minimal use of salt and sugar are strongly encouraged.

All recipes associated with the 5 A Day Program must meet the following criteria:

1. 5 A Day recipes contribute at least one serving of a fruit and/or a vegetable per portion of the recipe. Baked goods are allowed providing one serving contains a full 5 A Day serving of a fruit or vegetable, and meets the fat, saturated fat, cholesterol, and sodium criteria, as specified below.
2. 5 A Day recipes do not contain more than 30% of calories from fat or 3 grams of total fat per 100-gram serving; not more than 10% of calories from saturated fat or 1 gram of saturated fat per 100 grams; not more than 100 milligrams of cholesterol; and not more than 480 milligrams of sodium per serving.
3. Official 5 A Day recipes will be supplied by the PBH or NCI. Recipes from other sources can be used but must be analyzed using the Mini-Minnesota Nutrition Data System or be approved by the PBH. NCI requires that the Mini-Minnesota Nutrition Data System be used to analyze recipes because of its extensive and scientifically sound database. Recipe analysis and approval can be obtained for a nominal fee by sending the recipes to the Produce for Better Health Foundation, 5301 Limestone Road, Suite 101; Wilmington, DE 19808-1249. Phone: 302/235-ADAY / FAX: 302/235-5555. Web site: www.5aday.com.

The 5 A Day recipe criteria are based on the National Academy of Sciences' report, *Diet and Health: Implications for Reducing Chronic Disease Risk* (1989) and the *Dietary Guidelines for Americans*.

These criteria and serving sizes are subject to change, and should not be construed for use for manufactured products.

E. Advertising or Promotional Context

Use of the program, its logo*, and/or messages to promote an eligible product (as per section A above) must be in a manner that maintains the product's integrity as a low-fat food. Use of the program, its logo, and/or messages or the citation of NCI that includes brand names or specific product references must be done in a manner that avoids the appearance of NCI specifically endorsing that particular brand or product (see "Logo Use" section below). The logo and messages may be used in advertising, promotions, or point-of-sale materials. For recipes, the logo may be used only with official 5 A Day recipes supplied by the PBH or NCI, or recipes meeting the 5 A Day recipe criteria and approved by the program. A value-added or processed product such as pre-cut, shrink-wrapped, frozen, juice, or packaged-fresh fruits or vegetable may also use the logo as long as it meets the criteria listed in section A above, follows the restrictions in section F below, and is otherwise consistent with the General Guidelines.

* When reference is made to the 'logo', it includes both large- and small-sized versions of the 5 A Day logo.

F. Logo Use

Licensed participants must strictly adhere to the following procedures and restrictions for use of the program logo and the citation of NCI or PBH in order to maintain the program's scientific integrity and not compromise NCI's responsibilities as an agency of the U.S. Government or PBH's integrity. In general, the use of NCI's or the Foundation's name in any manner that might be interpreted as an endorsement of a particular product or company must include a disclaimer. Any violation by the licensee of the following procedures and restrictions will operate to place the license in jeopardy and may result in termination of their license. The logo must only be used in ways consistent with the General Guidelines and in the following manner:

1. **Just the logo.** The logo, without an NCI tagline (or any message citing NCI), may be used on promotable products (see section A, "Criteria for Products Promotable"), promotional materials, or packaging as long as the context of the use is in accordance with the General Guidelines.
2. **Generic use—with citation of NCI.** The logo, with an authorized NCI tagline (see "Authorized NCI taglines" below) or official 5 A Day advertising/promotion copy (supplied by PBH), may be used in brochures, banners, posters, retail advertisement, etc., that promote fruits and vegetables in a generic manner (i.e., no branded, specific product, or service names are used).
3. **Branded or product-specific use—with citation of NCI.** The logo, with an authorized tagline, may be used in advertising, promotions, point-of-sale, or consumer materials that make reference to branded or specific products or services, provided the "NCI disclaimer" (see below) is used.
4. **NCI disclaimer.** The disclaimer reads: "The mention of trade names, commercial products, or specific organizations does not constitute endorsement by NCI." The disclaimer must appear in the same size and typeface as the citation of NCI.
5. **Authorized NCI taglines.** The following taglines citing NCI may be used only as outlined (see above, "Generic use" or "Branded or product-specific use"):
 - (a) "A message from the National Cancer Institute."
 - (b) "A program in cooperation with the National Cancer Institute."

Participants need to follow the above information closely to avoid any appearance of making a health claim. The 5 A Day message is one of dietary guidance, not a health claim, and all participants need to work together to maintain this status. If you have any questions regarding the use of the logo, you are strongly encouraged to contact the PBH at 302-235-2329 or the NCI at 301-496-8520.

6. **Applications of the new logo.** The logo has been refined and expanded to include a special version for applications where the logo must be reproduced in a small size due to space limitations. This new program will improve the legibility of the logo and the ease of reproduction, especially when the logo is applied in a small size.

Large Version (more than 3/4 of an inch)

The large version of the logo can be used for any application that requires the logo to be reproduced in widths of more than 3/4 of an inch. In this large version, the phrase “for better health” is integrated with the logo and cannot be removed. If reproduction of the phrase “for better health” in orange is difficult to produce (due to the four-color printing process), print the phrase in black. You may reverse out the logotype “5 A Day for Better Health” to white only when the logo appears on dark backgrounds.

Small Version (3/4 of an inch or less)

The small version of the logo should be used for applications where the logo will be reproduced in widths of 3/4 of an inch or less. In this small version, the phrase “for better health” is not included on the logo. It is recommended, but not required, that one of the following phrases be placed in an area near but separate from the logo, if space permits:

- (a) “Eat five or more daily servings of fruits and vegetables for better health”;
- (b) “Eat 5 or more fruits and vegetables daily”; OR
- (c) “Eat 5 A Day for Better Health.”

This phrase must be a standalone element and may be in any legible typeface. In some applications where printing space is limited, there may not be sufficient room to place this phrase near the logo. However, this phrase should be used in conjunction with the small version of the logo wherever possible.

One-Color Reproduction (including black/white versions)

Select and use any legible color for reproduction. Print the logo as line art only; do not add screens of the one color to the logo lighter versions of the ink color achieved by ‘screening’ the ink).

Four-Color Process Reproduction

Do not alter the colors of the logo in any manner (see exceptions below). If it is not possible to reproduce the logo in four-color process in a legible manner, reproduce the logo in one color (this is an important consideration when reducing the size of the small logo). When using the large logo, it might be difficult to reproduce the phrase “for better health” if the orange is composed of process colors. In this case, the phrase “for better health” may be reproduced in black.

Two- and Three-Color Reproduction

Never reproduce the logo in an application that uses two or three colors of ink for the logo. The logo should appear as line art in one ink color only or in four-color process.

7. **Dos and don'ts for large and small logo applications.** (Any misuse of the logo may result in termination of license agreement or participation in the 5 A Day Program.)

Dos

Continue to use materials that have the original logo until supply of those items is exhausted. All uses of the original logo must cease by January 1, 2002.

Apply the new logo to items as soon as possible.

Use the logo as frequently as possible, but consistent with the 5 A Day Program Guidelines.

Use the logo in both one-color and four-color applications.

Where space permits, you may add one of the following phrases when using the smaller logo:

(a) *"Eat five or more daily servings of fruits and vegetables for better health";*

(b) *"Eat 5 or more fruits and vegetables daily"; OR*

(c) *"Eat 5 A Day for Better Health."*

Always use the large version of the logo for television applications.

Use the appropriately sized logo for all other specific applications: use the small logo for size limits of 3/4 inch or smaller widths and the large logo for greater than 3/4 inch widths.

When the logo appears on dark backgrounds, you may alter the logotype *"5 A Day for Better Health"* by reversing out the type to white only.

Don'ts

Don't mention trade names, commercial products, or specific organizations in a manner that would constitute endorsement by the 5 A Day Program or NCI.

Don't combine the original and the new logo on the same item, package or campaign.

Don't add copy or any other elements to the logo.

Don't convert or alter the large logo into the small version or vice versa.

Don't integrate the 5 A Day logo with any other brand or other type of logos, marks or symbols.

Don't recreate or alter the logo in any manner (except for when reversing out the logotype to white); always use the logos supplied on disk.

Don't place the logo in another shape (for example, printing the logo in a square or circle).

Don't overlap any graphic or text on top of any portion of the 5 A Day logo. In all applications, a clear space must surround the logo to isolate it as a separate entity.

G. Alteration of Logo, Messages, or Materials

Changes in design of the program's logo or materials or written text or official advertising/promotion copy are not allowed without prior written approval by the PBH and the NCI. Any misuse of the program, its logo, or messages may result in termination of participation.

H. Photography

Photography used in conjunction with the 5 A Day Program shall be consistent with the General Guidelines of the program and limit the display of alcoholic beverages and high-fat foods. Photography that includes brand names must be done in a manner that avoids the appearance of NCI's specifically endorsing that particular brand of product (see sections on "General Guidelines," "Logo use," and "Branded or product-specific use").

I. Participation in Other Nutrition-Related Programs

Participation in the 5 A Day Program does not preclude participation in (or cross-promoting) other health agency or organizations' programs which are consistent with the 5 A Day message, such as the American Cancer Society's "Smart Shopper," or the American Dietetic Association's "National Nutrition Month" or "Project LEAN."

J. Sublicensing Other Participants

Industry

Licensed participants in the 5 A Day Program are not allowed to sublicense other organizations. Only the PBH or NCI can grant a license to participate or use the program's logo or messages. The logo can be loaned by a licensed participant to a supplier to apply to materials produced for sole use by the licensee consistent with the General Guidelines. The supplier, however, cannot then make the same materials (or the logo or messages) available to others, unless the supplier obtains a license from the PBH.

Non-Industry

Licensed non-industry participants (e.g., State health agencies and Federal Government health promotion programs may sublicense other groups (see Appendix A-4, section B(1)(a), "Requirements for participation," General Guidelines exception for sublicensing).

Appendix A-4

GUIDELINES FOR HEALTH AUTHORITIES: 5 A DAY FOR BETTER HEALTH PROGRAM

A. Introduction

Health organizations eligible to be licensed as 5 A Day Program participants will be referred to throughout this section as health authorities. The reasons for involving health authorities at the State and local levels in the national 5 A Day Program are:

- to develop a national network of State and local health organizations that are scientifically credible to consumers and who will assist the National Cancer Institute (NCI) in maintaining the scientific integrity of the national program, and
- to provide, at the community level, the necessary state of the art, interactive components of successful behavioral change interventions.

Examples of such interactive components are activities that motivate consumers, teach and model the skills necessary to increase fruit and vegetable consumption, and develop social support and local food systems' support of dietary changes.

Health authorities are licensed by NCI as 5 A Day Program health participants to serve four principal functions:

1. Serve as a credible health authority within their State or agency by promoting the 5 A Day message through media activities and cooperative projects. They also will uphold the scientific credibility of the program by careful attention to the manner in which messages about the program are stated and by adhering to program Guidelines.
2. Provide leadership for coordinating activities at the State and local levels by serving as the first point of contact for other eligible participants within the State, encouraging cooperative endeavors, and sublicensing appropriate participants as defined in section B.1.(a) of this appendix. (Food industry participants will be licensed only by the Produce for Better Health Foundation [PBH].)
3. Maintain high standards of intervention quality within the State by emphasizing activities that motivate and assist target populations to develop the skills necessary to make dietary changes and by periodically monitoring activities of sublicensees.
4. Report program activities to the NCI for the purposes of sharing successful strategies with other States and contributing to the national 5 A Day database.

The license requirements outlined below are aimed at attaining these four principal functions and assuring the proper and legal use of the 5 A Day trademarked materials and logo. Eligible licensees are State health agencies. In States where the State health agency is unwilling or unable to become a licensee, the State Cooperative Extension Service may be licensed instead.

In instances where both the State health agency and the State Cooperative Extension Service are unwilling or unable to become the State licensee, the NCI will act as the State's licensee. (That is, any State or local agency that wishes to be sublicensed in such a State should apply directly to NCI.) Once a State health agency or State Cooperative Extension Service is able and willing to act as the State licensee, the sublicensees in the State will be transferred from NCI to the new State licensee.

The State licensee can sublicense local agencies or entities in the same channel and community coalitions as defined and listed in the General Guidelines in section B.1. below.

Organizations wishing to become a licensed participating health authority must abide by the Guidelines listed in section B. The procedures for obtaining a license are outlined in section E.

B. Requirements for Participation Are as Outlined Below in Sections B.1. Through B.9.

1. *General Guidelines:* All eligible organizations participating in the national program must abide by the “Guidelines for Participation in the 5 A Day For Better Health Program,” as stated in Guidelines E.1. and E.1.D. of the *10/99 Program Guidebook*. There are two exceptions to the Guidelines for State health authorities discussed in sections (a) and (b) below.

(a) With NCI’s approval, licensed health authorities may sublicense counterpart entities in the same channel or other entities participating in a coalition:

- (1) The definition of a counterpart entity in the same channel for a State health department would be a county or local health department; for a State Cooperative Extension agency, the counterpart would be a county extension agency. The appropriate agreement form, “Health Authority Sublicense Agreement for a Single Entity,” appears in Appendix A-2.
- (2) Health authorities may also sublicense community coalitions. The sublicense agreement should be executed with one organization in the coalition that agrees to serve as the coordinator or chair of the coalition. The appropriate agreement form, “Health Authority Sublicense Agreement for Coalitions,” appears in Appendix A-2.

Appropriate health-related members of State or local coalitions (sublicensees) are as follows:

State/county/local health departments
State/county/local cooperative extension offices
State departments of education
State departments of agriculture
State/local chapters of the American Cancer Society
State/local chapters of the American Heart Association
State/local chapters of the American Dietetic Association
State/local chapters of the American Home Economics Association
Chapters of the Society for Nutrition Education
State nutrition councils
State/local chapters of the American School Food Service Association
Universities/colleges
Food banks
Local hospitals
Wellness councils

(NOTE: Industry-related members of coalitions who are part of the fruit and vegetable industry need to be licensed by PBH. *Sublicensing of any organization not listed above is subject to NCI’s approval* [see 5 A Day Program Office contact information in section G]. Each member of a coalition should be informed of the Guidelines and agree to abide by them.)

- (3) LICENSEES must use the sublicense agreement forms provided by NCI. Procedures for licensing, monitoring, and reporting of the sublicensees will be established by the State health authority to allow flexibility of administration.
- (4) LICENSEES will be held responsible for monitoring activities of sublicensees. The minimal monitoring activity would consist of periodic spot checks to assure appropriate use of the logo and materials.) SUBLICENSEES must abide by all the same Guidelines applicable to the State health authority (i.e., relevant guidelines in the *10/99 Program Guidebook* are: E.1., General Guidelines (for all participants); E.1.D., Recipe Criteria; and E.9., Guidelines for Health Authorities. In addition, special attention should be paid to the “Materials Development Guide” in section C of this appendix.)
- (b) Any new materials developed in a State, by a State health authority, its coalition members, or single entity sublicensees must follow the principles enumerated in section C below, “Materials Development Guide.” The following procedures must be followed:
- (1) The first set of materials developed in a State after the license agreement is signed must be reviewed by NCI. These materials may come from a variety of non-industry sources: the State health authority, coalition members, or sublicensees. Materials should be sent with a cover letter to the 5 A Day Program Office (see contact information in section G). NCI expects to be able to respond within 2 weeks; however, 1 month notice should be allowed.
 - (2) Subsequent to this first review, NCI does not plan to review each new set of materials developed under the auspices of the health authority within each State, unless the developer would like the material to be considered for national distribution or wishes to use the 1-800-4-CANCER number (see “Materials Development Guide,” section C.8. below).
 - (3) However, NCI must be notified in writing prior to development of all new materials (including those that will not be reviewed), and a copy of all materials must subsequently be sent to NCI. It is assumed that NCI’s review of the first set of materials will amplify the guidance provided in the “Materials Development Guide,” and the content of subsequent materials will ultimately be the responsibility of the State health authority.
 - (4) The use of NCI’s name in any materials should follow the guidance on logo use in Guidelines E.1.E.-I. of the *10/99 Program Guidebook*.
 - (5) This section on materials development does not apply to industry participants. Materials developed by industry participants must follow the industry specifications (Guidelines E.2.-E.7. of the *10/99 Program Guidebook*).

Only licensed participants may use the logo and NCI’s name in the development of materials, in the manner prescribed in Guidelines E.1.A-I of the *10/99 Program Guidebook*.

The development of new educational materials is encouraged only for populations and topics that have not yet been addressed by the national 5 A Day Program. All such materials must conform with the “Materials Development Guide.”

- (c) The Cancer Information Service (CIS) is the NCI’s primary outreach network covering the entire United States. Regional CIS outreach coordinators are available to help facilitate 5 A Day coordination by referring local industry and health organizations to the appropriate State health authority. The CIS can also give callers basic information about the program. CIS outreach staff are available to provide technical assistance in a number of program areas, including program planning, networking, developing media contacts, and review and distribution of materials. LICENSEES are encouraged to remain in routine contact with their regional CIS outreach coordinator to keep him/her informed of activities. This kind of consistent communication will enable CIS outreach staff to perform a valuable networking function based on the best available information. (A list of CIS contacts will be provided in the starter kit.)

2. *Policy:* Promote as organization policy the message that five or more servings of fruits and vegetables every day as part of a low-fat, high-fiber diet is the dietary guidance recommended to the public. The development of specific measures to implement this policy within the health authority organization is encouraged.

The adoption of such a message by other organizations in the State that provide nutrition education to the public is encouraged. These organizations may include units of State and local government, voluntary and professional organizations, agriculture, and the food industry.

3. *Communications:* Communicate State and national NCI/PBH activities, program changes, case studies, and suggested activities to sublicensees and other appropriate entities in the State through periodic newsletters, meetings, or other communication media. NCI and PBH should be on mailing lists to receive such written communications in order to enhance national communication efforts.

To assist you in this effort, NCI and PBH will provide periodic newsletters and materials updates (limited to one per State) to all licensed State health authorities for duplication and distribution. Additional copies of some materials are available for purchase. A price list can be obtained from PBH.

4. *Promotional activities:* Assist sublicensees in conducting promotional activities or conduct at least one major theme-related program event per year, preferably in coordination with national NCI or industry promotions. (We recognize the resource constraints at the State and local levels. Note that you may either serve largely as a facilitator of 5 A Day activities or you may actually conduct program events. Both are encouraged but only one role is necessary to meet your requirements for participation.)

Media or program events should be created with some model of behavior change in mind. In particular, events are encouraged that create awareness, motivate consumers to eat more fruits and vegetables, teach consumers skills needed to increase consumption, create social support, or create supportive changes in the foods systems which serve the target populations.

Media or program events may include, but are not limited to:

- Activities that *create awareness* might be media events or activities emphasizing the need to eat five or more servings of fruits and vegetables every day. Examples of such media or program events follow:

Placement of NCI media materials prepared for special events, such as 5 A Day Week, within State mass media outlets;

Media events sponsored by the licensed participating health authority, such as press conferences, media tours, contests, or competitions;

Media events conducted in collaboration with other credible groups in the State, such as units of State or local government, civic organizations, or consumer groups;

Media events conducted in cooperation with businesses, including those licensed to participate in the national program;

Community-level media events coordinated with local entities such as licensed supermarkets, professional societies, civic organizations, social or religious groups, agricultural organizations, medical centers, or major employers; or

Program activities, such as the development of a Request for Applications for local research or demonstration projects; contests; competitions; or joint efforts with other channels, such as schools, food assistance programs, worksites, food services, supermarkets, farmers markets, etc.

- Activities that *motivate* might include messages about the association between diet and cancer or between eating a healthy diet and looking and feeling better. Incentive-based activities might include contests involving fruits and vegetables, coupons for purchasing fruits and vegetables, etc.
- Activities that involve *skills development* might offer specific tips on how to pack fruits and vegetables in brown bag lunches, how to make choices in restaurants, how to cook certain vegetables, etc.
- Activities that *develop social support* might be suggestions on how to use peer influence by adopting “buddies” at work or at home to reinforce healthful eating habits, etc.
- Activities that *promote food-system and environmental support* might include labeling of fruit and vegetable dishes served in cafeterias that meet the 5 A Day criteria; modifications of food-service menus; and the development of catering policies which include fruit and vegetable options at all company-sponsored events, such as picnics and conferences.

NCI also encourages the licensee to establish an ongoing media relations program intended to sustain media coverage of fruit and vegetable consumption as a health issue.

5. *Quality Control*: Maintain quality standards within the State by:
 - Abiding by the national 5 A Day Guidelines and assisting industry partners in meeting regulations related to nutrition labeling and health claims; and
 - Monitoring sublicensees to assure that they are abiding by the Guidelines. (The minimal monitoring activity would consist of periodic spot checks to ensure appropriate use of the logo and materials.)
6. *Reporting*: Provide NCI with a progress report or summary of activities (provided under separate cover). Provide NCI and PBH with at least one copy of all consumer brochures, press releases or kits, public service announcements, videos, training aids, surveys, and evaluation reports. NCI and PBH would also welcome labeled and dated slides of displays, community events, or other activities.
7. *Cooperation*: In States that receive a 5 A Day grant from NCI, grantees and any health authority licensees will be asked to cooperate in such a manner that the integrity of the grantee’s research design is maintained. Activities that are likely to adversely affect the grantee’s intervention or control sites may need to be curtailed. For example, State licensees will be expected to refrain from addressing the same target audiences or using the same channels in the project geographical area.
8. *Access*: Provide NCI staff (or its designates, including PBH) with the opportunity, if requested, to interview key health authority personnel, coalition members, or program participants either in person, by written questionnaire, or telephone about their participation in the program.
9. *Development of Activities in New Channels*: When working with food-industry partners in channels for which portions of the 5 A Day Program Guidelines are not applicable, consult with NCI during the developmental stages in order to assure maximum impact and consistency with national efforts. Examples of these channels include: processed and packaged food products, such as frozen dinners and other types of mixed dishes that feature vegetables or fruit; and commercial food services, such as airline, hospitality, restaurant, fast food, and vending sources.

C. Materials Development Guide for 5 A Day Health Authorities Only

This guide is intended for use in the development of 5 A Day materials by licensed health authorities only. Materials developed by industry participants licensed by PBH must follow the appropriate sections of the Guidebook.

The following principles must apply to materials developed for the 5 A Day Program:

1. An appropriate nutrition professional must have developed or reviewed the materials for scientific and technical accuracy. Appropriate nutrition professionals are: registered dietitians, licensed dietitians, nutritionists, or home economists with at least Masters level preparation in foods or nutrition.
2. Guidelines E.1.E.-I. of the *10/99 Program Guidebook* concerning logo use must strictly be followed to permit use of the 5 A Day logo and NCI taglines on any materials. Particular attention must be paid to the fact that NCI should not be perceived as “endorsing” a specific product or program.
3. The fruits and vegetables promoted must meet the program specifications in Guideline E.1.A of the *10/99 Program Guidebook*, and should be promoted as part of a low-fat, high-fiber eating pattern.
4. 5 A Day messages must be consistent with current national consensus dietary guidance, as provided in such documents as the *Dietary Guidelines for Americans*, *Diet and Health*, *Healthy People 2010*, and the *Food Guide Pyramid*.
5. All Federal, State, and local laws and regulations must be observed, with special attention paid to the nutrition health claims and food-labeling regulations.
6. Materials developed should fit into some theoretical model of behavior change, used as the basis for intervention or media activities. For example, in the stages-of-change model, persons in the precontemplation stage would be more interested in a pamphlet that describes the benefits of eating more fruits and vegetables than in a pamphlet that describes precisely how to eat more. Several shorter pamphlets may suit this model better than packing all the information into one publication. It is also advisable to use available consumer research when developing 5 A Day messages.
7. Materials should be culturally appropriate, taking into account the traditional eating patterns of the target population. Materials should be pretested with members of the intended target population. (See *Making Health Communication Programs Work: A Planner's Guide*; NIH Publication No. 89-1493, April 1989.) NCI may be able to offer some expertise in the development of materials for special populations, such as low-literacy audiences, older people, African Americans, and Hispanic Americans.
8. If you wish to distribute materials locally through the 1-800-4CANCER number, or if you wish to include the 800 number on your materials, the materials must be reviewed by the regional CIS outreach coordinator. Contact your regional CIS outreach coordinator to discuss the concept of materials before they are developed.
9. Materials that you wish to suggest for national distribution in the 5 A Day Program must be reviewed by NCI's national office. Before you develop these materials, contact the 5 A Day Program National Office at NCI (see section G of this appendix for contact information).
10. If there is a question over any issue, please contact the NCI for clarification.

D. Suggested Additional Evaluation Activities for Agencies With the Desire and Capacity To Move Beyond the Required Level of Program Implementation

Through survey and market research activities, conduct periodic assessments of the program's impact and make the findings available to NCI and program partners.

Information collected might include: diet-related consumer characteristics, such as socio-demographics, awareness, knowledge, attitudes and beliefs, motivation, dietary skills and practices, and fruit and vegetable consumption, both in the general population and in population subgroups. Other community-level data might include tracking: the number and types of organizations participating in 5 A Day events; implementation of interventions in such settings as supermarkets or worksites; changes in the composition of school lunch and breakfast programs; policy changes in the WIC program; etc.

Data collection methods may include, but are not limited to:

- Inserting relevant questions in ongoing surveys or data collection activities such as the Behavioral Risk Factor Surveillance System or State health surveys;
- Conducting special surveys, market research, and/or focus groups to obtain a more complete profile of various consumer segments;
- Conducting formative evaluation on intervention approaches and participant satisfaction; or
- Establishing a framework for evaluation of the statewide effort, including the collection of process and outcome indicators.

Health authorities are encouraged to promote technical and scientific exchange through the publication of descriptive and evaluative papers in the professional, business, and peer-reviewed literature.

These Guidelines may be periodically revised. Your suggestions are welcome, especially those pertaining to ways in which your participation could be facilitated. Please send questions or comments to the 5 A Day Program National Office at NCI (see section G of this appendix for contact information).

E. How To Obtain a License

1. State health agencies (or State cooperative extension agencies, in cases where the State health agency has declined licensure) may sign and return to NCI the license agreement. The agreement must be signed by the State health officer (or State leader for cooperative extension agencies). Mail the signed agreement to the 5 A Day Program National Office at NCI (see section G of this appendix for contact information).
2. Adhere to all applicable requirements in Guidelines E.1. and E.9. of the *10/99 Program Guidebook*.
3. Once a license is received and accepted, a 5 A Day Program starter kit will be mailed to the licensee. It will contain a variety of information, including program background, sample educational materials, newsletters, lists of 5 A Day participants, etc.

One copy of new program materials will be sent to all State licensees as they become available.

F. How To Obtain a Sublicense

1. County or local counterpart agencies (e.g., county health agency if the licensee is the State health agency; county extension if the licensee is the State extension service) should send a letter to their licensed health authority requesting a sublicense.
2. Coalition members should select one member to act on behalf of the coalition as the coordinating agency or chair. A representative from that agency should send a letter to their licensed health authority requesting a sublicense (unless the State health agency serves as the coordinating agency).
3. Procedures for sublicense and reporting will be established by the licensed State health authority.

G. Contact Information for the Program

5 A Day Program National Office, National Cancer Institute, National Institutes of Health, 6130 Executive Boulevard, EPN 4082, Bethesda, MD, 20892; phone, 301-496-8520; and fax, 301-480-6637.

Appendix A-5

INDUSTRY GUIDELINES: 5 A DAY FOR BETTER HEALTH PROGRAM

The 5 A Day Program Guidelines are divided into distinct sections. Guideline sections I through V of this appendix outline the requirements that pertain specifically to different types of participants in this program: retailers, produce marketers and suppliers, merchandising and services suppliers, noncommercial food-service operators, and food-service distributors and suppliers. Section VI of this appendix covers Guidelines for ancillary products. Guideline section I of Appendix A-3 applies to *all* licensed participants. In addition to adhering to all requirements, it is the responsibility of each participant to also adhere to the Guideline section(s) that pertain(s) to their activities. These Guidelines are extracted from the *5 A Day For Better Health Program Guidebook*.

I. Retailer Guidelines

In exchange for the assistance of the National Cancer Institute (NCI) as the lead Government agency for the 5 A Day Program, it is essential that the program's participants adhere to the regulations established in the General Guidelines. Aggressive use of point-of-sale material, newspaper advertising, educational materials, broadcast media, food demonstrations, and other ways of personally interacting with customers are necessary for consumer understanding of the 5 A Day message. Retail grocery partners are expected to actively participate in the program and must agree to the program's Guidelines and to the following:

- A. Conduct at least two promotions of at least 1 month each per year that incorporate the themes of the program. These two promotions must each include (but are not limited to) the following:
 1. Both large and small in-store signage, that includes the 5 A Day logo and messages, prominently displayed in the produce department for at least 1 month;
 2. Distribution of consumer education materials in the produce department (materials must be easily accessible to consumers and in adequate supply to cover customer demand); and
 3. Weekly advertising (for at least 4 weeks), including broadcast whenever feasible, of the 5 A Day logo and messages.
- B. Provide program-training materials such as fact sheets, videos, and bulletins to all produce managers involved; relay specific information on your company's program activities to your produce and store managers; and encourage the active participation of managers and clerks.
- C. During a 5 A Day promotion period, use only the official program recipes or ones that meet the 5 A Day recipe criteria (Guideline E.1.D. in the *10/99 Program Guidebook*) and have been approved by the Produce for Better Health Foundation (PBH), NCI's national partner. Official recipes are provided in the starter kit and new ones are provided for each promotional wave. Recipes must be used as approved by PBH, and cannot be altered without PBH's approval.
- D. Obtain approval from PBH before making any alteration, modification, or other change to the program messages or artwork, consumer materials, official advertising/promotion copy, or other materials provided by the program. The logo may not be modified and should only be used in association with products, advertising copy, consumer messages, etc., that are consistent with the program's goals and General Guidelines (Guideline E.1. in the *10/99 Program Guidebook*).

- E. Supply PBH with at least one sample of all consumer materials or signs you produce promoting the program and/or its messages. Samples of materials are necessary for working with NCI on program evaluation and for communicating activities to the press, PBH members, other 5 A Day participants, and potential outside funding sources.
- F. Provide a completed Retail Activity Report to PBH upon request.
- G. Provide PBH staff (or its designates, including NCI) with the opportunity, if requested, to interview key store personnel either in person, by written questionnaire, or telephone about their participation in the program and impressions of consumer responses to 5 A Day activities.
- H. Provide PBH (or its designates, including NCI) with the opportunity, if requested, to periodically conduct interviews of customers to determine their responses to the program.
- I. Coordinate all components of the program to maximize program effect. To successfully increase fruit and vegetable consumption, the 5 A Day Program will involve health and education participants as well as industry participants. Therefore, it is requested that retailers work in collaboration with other organizations that are promoting the program goals, such as local or State health departments, or other health or educational organizations.
- J. Conduct all 5 A Day-related activities in accordance with applicable Federal, State, and local laws and regulations. Retailers also are responsible for their costs associated with the program.

Retailers are encouraged to augment their promotions with other theme-related elements, such as merchandising and displays, cross-promotions, food demonstrations, shopper tours, and videos; and to participate with other organizations that are promoting the program goals, such as health departments and other health organizations. Retailers are also encouraged to participate in as many of the official promotion waves as possible.

II. Produce Marketers and Suppliers Guidelines

Produce suppliers, fruit and vegetable companies, and other related businesses interested in promoting the goals of the 5 A Day Program are encouraged to become licensed and actively participate in the program. In addition to adhering to the General Guidelines (see Guideline E.1.), such organizations must also agree to the following in order to obtain a license:

- A. When developing materials, use the official advertising/promotion copy* whenever possible. Obtain approval from PBH in advance, before making any alteration, modification, or other change to the program messages or artwork, consumer materials, advertising/promotion copy, or other materials provided by the program. The logo may not be modified, and may only be used in association with products, advertising copy, consumer messages, etc., that are consistent with the program's goals and General Guidelines (Guideline E.1. in the *10/99 Program Guidebook*).
- B. Supply PBH with at least one sample of all materials produced promoting the program and/or its messages. Samples of materials are necessary for working with NCI on program evaluation and for communicating activities to the press, PBH members, other 5 A Day participants, and potential outside funding sources.
- C. If using the program logo or messages in conjunction with a recipe, use only the official program recipes or ones that meet the 5 A Day recipe criteria (see section D of Appendix A-3) and have been approved by PBH. A set of the official recipes is available free of charge to licensed participants. Recipes must be used as approved by PBH, and cannot be altered without PBH's approval. New recipes will be available for each promotional wave.
- D. Provide a completed 5 A Day Activity Report to PBH upon request.

- E. Provide PBH staff (or its designates, including NCI) with the opportunity, if requested, to interview key corporate personnel either in person, by written questionnaire, or telephone about their participation in the program and impressions of consumer or trade responses to their 5 A Day activities.
- F. Conduct all 5 A Day-related activities in accordance with applicable Federal, State, and local laws and regulations, paying particular attention to the new nutrition health claims and labeling regulations promulgated by the Food and Drug Administration (FDA).
- G. Recognize that each organization is responsible for all costs associated with their program activities and projects.

Produce suppliers and marketers are encouraged to tie-in their promotions with the program's promotional themes and the activities of other participants, including use of displays, cross-promotions, food demonstrations, and videos.

Activities and uses of the logo and messages that the program encourages include, but are not limited to:

- H. Developing and distributing materials that support retail promotions and/or program events sponsored by participating health organizations;
- I. Adding the logo and/or official advertising/promotion copy* onto packaging or actual produce items (Guideline E.1.E in the *10/99 Program Guidebook*) (due to the need to comply with FDA labeling requirements, participants interested in doing this are strongly encouraged to contact PBH for further guidance). Samples must be provided to PBH as per Guideline E.3.B. in the *10/99 Program Guidebook*;
- J. Conducting public relations and media activities, such as press releases, news conferences, taglines on radio advertising, outdoor advertising, contests, and consumer education materials distribution;
- K. Participating with other program participants (i.e., retailers, health organizations, and NCI's grantees) in cooperative projects, such as recipe development, photography, food demonstrations, color editorials, videos, public service announcements, and market research;
- L. Providing materials that promote the program's message to consumers or food intermediaries;
- M. Developing and distributing recipes, with accompanying photography when appropriate, that meet the 5 A Day recipe criteria (see section D of Appendix A-3) and are approved by PBH; and
- N. Adding the logo to produce trucks or promotional materials.

* *NOTE: The official advertising/promotion copy citing NCI (for use with or without the logo) is provided to licensed participants by PBH. It may not be altered.*

III. Merchandising and Services Suppliers Guidelines

Produce merchandising organizations, marketing boards or commissions, public relations agencies, packaging companies, bag manufacturers, and other service suppliers of the fruit and vegetable industry interested in promoting the goals of the program are encouraged to become licensed and actively participate in the program. In addition to adhering to the General Guidelines (Guideline E.1. of the *10/99 Program Guidebook*), such organizations must also agree to the following in order to obtain a license:

- A. When developing materials, use the official advertising/promotion copy* whenever possible. Obtain approval of PBH in advance, before making any alteration, modification, or other change to the program messages or artwork, consumer materials, advertising/promotion copy, or other materials provided by the program. The logo may not be altered, and may only be used in

- association with products, advertising copy, consumer messages, etc. that are consistent with the program's goals and General Guidelines (Guideline E.1. in the *10/99 Program Guidebook*).
- B. Supply PBH with at least one sample of all materials produced promoting the program and/or its messages. Samples of materials are necessary for working with NCI on program evaluation and for communicating activities to the press, PBH members, other 5 A Day participants, and potential outside funding sources.
 - C. If using the program logo or messages in conjunction with a recipe, use only the official program recipes or ones that meet the 5 A Day recipe criteria (see section D of Appendix A-3) and have been approved by PBH. A set of the official recipes is available free of charge to licensed participants. Recipes must be used as approved by PBH, and cannot be altered without PBH's approval. New recipes will be available for each promotional wave.
 - D. Provide a completed 5 A Day Activity Report to PBH upon request.
 - E. Provide PBH staff (or its designates, including NCI) with the opportunity, if requested, to interview key corporate personnel either in person, by written questionnaire, or telephone about their participation in the program and impressions of consumer or trade response to their 5 A Day activities.
 - F. Conduct all 5 A Day-related activities in accordance with applicable federal, state, and local laws and regulations, paying particular attention to the new nutrition health claims and labeling regulations promulgated by the FDA.
 - G. Recognize that each organization is responsible for all costs associated with their program activities and projects.

Produce suppliers and marketers are encouraged to tie-in their promotions with the program's promotional themes and the activities of other participants, including use of displays, cross-promotions, food demonstrations, and videos.

Activities and uses of the logo and messages that are encouraged by the program include, but are not limited to:

- H. Development and distribution of materials that support retail promotions and/or program events sponsored by participating health organizations;
- I. Adding the logo and/or official advertising/promotion copy* onto packaging or actual produce items (Guideline E.1.E. of the *10/99 Program Guidebook*) (due to need to comply with FDA labeling requirements, participants interested in doing this are strongly encouraged to contact PBH for further guidance). Samples must be provided to PBH as per Guideline E.3.B. of the *10/99 Program Guidebook*;
- J. Public relations and media activities, such as press releases, news conferences, taglines on radio advertising, outdoor advertising, contests, and consumer education materials distribution;
- K. Participation with other program participants (i.e., retailers, health organizations, and NCI's grantees) in cooperative projects, such as recipe development, photography, food demonstrations, color editorials, videos, public service announcements, and market research;
- L. Providing materials promoting the program's message to consumers or food intermediaries;
- M. Development and distribution of recipes, with accompanying photography when appropriate, that meet the 5 A Day recipe criteria (see section D of Appendix A-3) and are approved by PBH; and
- N. Adding the logo to produce trucks or promotional materials.

* NOTE: The official advertising/promotion copy citing NCI (for use with or without the logo) is provided to licensed participants by PBH. It may not be altered.

IV. Noncommercial Food-Service Operator Guidelines

Aggressive use of point-of-sale signs, coupons, or promotions, and other ways of personally interacting with customers, are necessary for customer understanding of the 5 A Day message. These Guidelines are for noncommercial food-service operators, which include food service at the following establishments: schools, day care, colleges, health care, business and industry, military, correctional facilities, transportation (airlines, trains, etc.), and contract management companies.

Noncommercial foodservice operators are expected to actively participate in the program and must agree to the program's General Guidelines (Guideline E.1. of the *10/99 Program Guidebook*) and to the following:

- A. Operators must conduct at least two major theme-related program events per year that incorporate a program theme. Theme-related materials will be available to licensed participants. This promotion must include (but is not limited to) the following:
 1. Use of signage, table tents, menu boards, posters, or buttons for servers rotated on a daily/weekly basis, that include the 5 A Day logo and approved messages, prominently displayed in the operation for at least 2 weeks;
 2. Distribution of approved 5 A Day brochures at the operation (materials must be easily accessible to customers and in adequate supply to cover customer demand); and
 3. Use of regular bulletins and advertising, including broadcast whenever feasible, of the 5 A Day logo and approved 5 A Day messages.
- B. During a 5 A Day promotion period or ongoing 5 A Day activities, foods that are promoted as 5 A Day foods must either be foods allowed in the program (Guideline E.1.A. of the *10/99 Program Guidebook*), made from recipes that meet the 5 A Day recipe criteria (see section D of Appendix A-3), or made from recipes that have been approved by PBH. The 5 A Day recipe criteria are consistent with the Dietary Guidelines for Americans (2000). Some official food-service quantity recipes are provided in the starter kit. Quantity food-service recipes can be developed from other standard recipes that will also be included in the starter kit. It is imperative that recipes meet the recipe criteria.
 (If noncommercial operators have recipes that might qualify for the 5 A Day recipe criteria, PBH will analyze the recipe for free if the recipe can be shared with other noncommercial food-service operators. Credit will be given to recipe suppliers in PBH recipe packets that are distributed to program participants.)
- C. When conducting 5 A Day promotions, use activities that encourage behavior change. Incorporate activities that create awareness, motivation, skills development, social support, and food system/environmental support appropriate to the target population.

Within each operation, develop and encourage *advisory committees* consisting of customers, food-service employees, and other licensed 5 A Day Program participants to obtain suggestions from customers and employees about ideas that would create awareness and motivate them.

Use the advisory committee or conduct surveys to determine where your customers need skills development and the best method of setting up a social support or environmental support system.

Activities and uses of the logo and messages that the program encourages to help change customer behavior include, but are not limited to, any variety of the following activities:

1. *Creating awareness* by conducting activities emphasizing the need to eat five servings of fruits and vegetables a day. These include distributing 5 A Day Program brochures and messages through:
 - (a) Internal/institution-wide/community events such as contests, health fairs, National Nutrition Month activities, workshops, open house, etc.;

- (b) Internal/institution-wide/community communications tools such as newsletters, e-mail, check stubs, answering machines, TV/radio channels, school or community newspapers, consulting services, coffee break rooms, etc.;
 - (c) Cafeteria programs that might include point-of-sale messages, buttons on servers, taste-testing, cafeteria employee costumes/aprons/T-shirts/sweatshirts promoting the message, register receipt messages, messages at tables, posters, brochures, etc. Add the logo and/or official advertising/promotion copy (for use with or without the logo and provided to licensed participants by PBH) onto menus, point-of-sale materials, and advertising that meets 5 A Day criteria (Guideline E.1.E. of the *10/99 Program Guidebook*). (Due to the need to comply with FDA labeling requirements, participants interested in doing this are strongly encouraged to contact PBH for further guidance.) Samples of packaging must be provided to PBH as noted below in section F.;
 - (d) Other internal/institutional programs, such as in classroom instruction, fitness centers, office posters, etc.; and
 - (e) Food-service employees should be informed of the importance and logistics of their role in implementing the program.
2. *Conducting motivational activities* for customers and food-service employees. These might include:
- (a) Messages for customers about the association between diet and cancer. Use advertising copy available from PBH with NCI-approved messages;
 - (b) Messages for customers about the association between eating a healthy diet and looking and feeling better. For example, emphasize the low caloric content of fruits and vegetables for weight loss. Use advertising copy available from PBH with NCI-approved messages;
 - (c) Contests around fruits and vegetables. For example, offer free fruits and vegetables for every five fruits and vegetables that are purchased. Keep track by punching the number of purchased items on a card. Offer free passes to a local gym with the purchase or consumption of a certain number of fruits and vegetables a week;
 - (d) Coupons for purchasing fruits and vegetables. Offer coupons with paychecks to purchase fruits and vegetables at the lunchroom, or work with local retailers to supply coupons for the local grocery;
 - (e) Offer recipes of 5 A Day-featured menu items to customers. Recipes would need to be altered for smaller quantities and all recipes would need to meet the 5 A Day recipe criteria (see section D of Appendix A-3);
 - (f) Motivate food-service employees by encouraging brainstorming sessions on ways to boost fruit and vegetable sales or how to improve other aspects of the program. Encouraging employee involvement will give them a sense of ownership in the program and will help lead to the success of the program; and
 - (g) Contests for food-service employees. For example, offer a prize for the development of a good 5 A Day recipe. Give employee recognition for those who most enthusiastically promote the program and give them the “Produce Pick of the Month” award.
3. *Conducting skills-development activities* for customers and employees. These might include:
- (a) Tips on how to select low-fat menu items containing fruits and vegetables;
 - (b) Tips on how to select fruits and vegetables for snacks after school or work;
 - (c) How to ask for chef preparation of low-fat fruit/vegetable dishes;

- (d) Workshops for food-service employees about produce varieties, storage, and handling. Offer taste testings of new menu items, or new and exotic fruits and vegetables. Offer courses for chefs to learn methods of low-fat cooking with fruits and vegetables; and
 - (e) Offer qualified nutrition staff time (when available) to work on skills development or creating awareness of the 5 A Day message in local supermarkets, schools, television, or radio stations. Offer nutrition and health screening at stores and schools.
4. *Setting up social support systems.* These might include:
- (a) The development of a “buddy system” so that coworkers and students can reinforce healthful eating habits; and
 - (b) Tips on how relatives might assist each other in dietary change.
5. *Providing food system/environmental support,* such as:
- (a) Offering menu items that are low in fat and high in fiber and contain at least one serving of a fruit or vegetable. During a 5 A Day promotion period or ongoing 5 A Day activities, promoted as foods must either be allowed in the program (Guideline E.1.A. of the *10/99 Program Guidebook*) or made from recipes that meet the 5 A Day recipe criteria (see section D of Appendix A-3), and have been approved by PBH;
 - (b) Guiding customers toward menu items that meet 5 A Day criteria. Identify appropriate selections with a 5 A Day logo. Food that is promoted as 5 A Day foods must either be allowed in the program (Guideline E.1.A. of the *10/99 Program Guidebook*) or made from recipes that meet the 5 A Day recipe criteria (see section D of Appendix A-3), or have been approved by PBH; and
 - (c) Offering vegetable serving lines, packaged ready-to-go fruits and vegetables, salad bars, fruits on the dessert line, and fruits and vegetables in vending machines.
6. *Health and education participants* as well as industry participants are involved in the 5 A Day Program in order to successfully increase fruit and vegetable consumption. It is important to try to coordinate components of the program to maximize program effect. Therefore, it is requested that food-service operators work in collaboration with other organizations that are promoting the program goals (e.g., local or State health departments, other health or educational organizations, commodity boards, food-service suppliers and distributors, other non-commercial food-service operators, grocery retailers, and NCI’s grantees) in cooperative projects. Such activities include community health fairs, contests, adopting schools, developing games, recipe development (that meet 5 A Day recipe criteria outlined in section D of Appendix A-3), food demonstrations, public service announcements, market research, food donations, produce shows, taste-testing classes, National Nutrition Month activities, or other 5 A Day activities. Keep in mind the behavioral change techniques when working on cooperative activities.
- D. Provide program training materials (such as fact sheets, videos, newsletters, or bulletins) to all managers/staff involved in program implementation, relay specific information on your company’s program activities to your managers, and encourage the active participation of managers.
- E. Obtain approval from PBH before making any alteration, modification, or other change to the program messages or artwork, consumer materials, official advertising/promotion copy, or other materials provided by the program. The logo may not be modified and should only be used in association with products, advertising copy, consumer messages, etc., that are consistent with the program’s goals and General Guidelines (Guideline E.1. of the *10/99 Program Guidebook*).
- F. Supply PBH with at least one sample of all consumer materials or signs you produce promoting the program and/or its messages. Samples of materials are necessary for working with NCI on program evaluation and for communicating activities to the press, PBH members, other 5 A Day participants, and potential outside funding sources.

- G. Provide a completed Food-Service Activity Report to PBH upon request.
- H. Provide PBH staff (or its designates, including NCI) with the opportunity, if requested, to interview key staff either in person, by written questionnaire, or telephone about their participation in the program and impressions of customer responses to 5 A Day activities.
- I. Provide PBH (or its designates, including NCI) with the opportunity, if requested, to periodically conduct interviews of customers to determine their responses to the program.
- J. Conduct all 5 A Day-related activities in accordance with applicable Federal, State, and local laws and regulations, paying particular attention to the new nutrition health claims and labeling regulations promulgated by the FDA.*
- K. Food-service operators, either on their own or with help from their produce distributors or other licensed participants, are responsible for their costs associated with the program.
- L. Contract management companies may purchase a license for the operators that they service so that the operator can obtain materials directly from PBH. If contract management companies choose not to do this, they should realize that they are responsible for their operator's use of the 5 A Day logo, the use of NCI's name, and filing the Noncommercial Food-Service Activity Report Form consistent with these Guidelines.

* *NOTE: Reprints of the Federal Register document containing the FDA's final food-labeling regulations, published January 6, 1993, are available for \$4.50 a set from the U.S. Government Printing Office (GPO). Orders can be made by writing to the Superintendent of Documents, Washington, DC, 20401, by calling 202-783-3238, or by faxing 202-512-2250. The GPO order number is 069-001-00045-9. Rush service is available. Check, money order, VISA, and MasterCard are accepted.*

If uncertain about labeling regulations, use the materials provided by PBH or call the Produce Marketing Association (302-738-7100) to obtain a copy of *Labeling Facts*, a guide for labeling fruit and vegetable items. The National Restaurant Association also has information available to its members regarding nutrition labeling at food-service establishments (202-331-5900).

V. Guidelines for Food-Service Distributors and Suppliers

Food-service suppliers, distributors, commodity boards, and other related businesses interested in promoting the goals of the program, either independently or through noncommercial food-service settings, are encouraged to become licensed to join the 5 A Day Program and to actively participate in it. In addition to adhering to the General Guidelines (Guideline E.1. of the *10/99 Program Guidebook*), such organizations must also agree to the following in order to obtain a license:

- A. When developing materials, use the official advertising/promotion copy whenever possible. Obtain approval from PBH in advance before making any alteration, modification, or other change to the program messages or artwork, consumer materials, advertising/promotion copy, or other materials provided by the program. The logo may not be modified and should only be used in association with products, advertising copy, consumer messages, etc., that are consistent with the program's goals and General Guidelines (Guideline E.1. of the *10/99 Program Guidebook*). Work with participating health organizations and operators to determine their needs and desires.
- B. Supply PBH with at least one sample of all materials produced promoting the program and/or its messages. Samples of materials are necessary for working with NCI on program evaluation and for communicating activities to the press, PBH members, other 5 A Day participants, and potential outside funding sources.

- C. If using the program logo or messages in conjunction with a recipe, use only the official program recipes or ones that meet the 5 A Day recipe criteria (see section D of Appendix A-3) and have been approved by PBH. A set of official recipes is available free of charge to licensed participants. New recipes will be available for each promotional wave. Most recipes are not available from PBH in food-service quantities, but could be adapted if desired. Ingredient proportions should not change because this would alter the nutrient content supplied for each serving.*
- D. Provide a completed 5 A Day activity report to PBH upon request.
- E. Provide PBH staff (or its designates, including NCI) with the opportunity, if requested, to interview key corporate personnel either in person, by written questionnaire, or telephone about their participation in the program and impressions of consumer or trade responses to their 5 A Day activities.
- F. Conduct all 5 A Day-related activities in accordance with applicable Federal, State, and local laws and regulations, paying particular attention to the new nutrition health claims and labeling regulations promulgated by the FDA.
- G. Recognize that each organization is responsible for all costs associated with their program activities and projects.

Food-service suppliers and distributors are encouraged to tie-in their promotions with the program's promotional themes, and also are encouraged to respond to the needs of noncommercial food-service operators.

Activities and uses of the logo and messages that the program encourages include, but are not limited to:

- H. Paying the annual PBH program license fee for noncommercial food-service operators;
- I. Purchasing and distributing already prepared 5 A Day materials to licensed noncommercial food-service operators (e.g., posters, brochures, point-of-sale cards, etc.);
- J. Adding the logo and/or official advertising/promotion copy** onto signage, table tents, buttons, etc. (Guideline E.1.E. of the *10/99 Program Guidebook*) (due to the need to comply with FDA labeling requirements at food-service establishments, participants interested in doing this are strongly encouraged to contact PBH for further guidance). Samples must be provided to PBH as per Guideline E.3.B. of the *10/99 Program Guidebook*;
- K. Offering materials and assistance to noncommercial food-service operators in their public relations and media activities, contests, program brochure distribution, low-fat recipe development, etc.;
- L. Participating with other program participants (i.e., health organizations, NCI's grantees) in cooperative projects, such as recipe development, photography, food demonstrations, color editorials, videos, public service announcements, and market research;
- M. Developing and distributing quantity food-service recipes, with accompanying photography when appropriate, that meet the 5 A Day recipe criteria (see section D of Appendix A-3) and are approved by PBH;
- N. Adding the logo to calendars, produce trucks, or promotional materials; and
- O. Providing noncommercial food-service staff with training about fruit and vegetable storage, handling, and preparation.

* *NOTE: If distributors, commodity boards, and others have recipes that might qualify for the 5 A Day recipe criteria, PBH will analyze the recipe for free if the recipe can be shared with other noncommercial food-service operators. Credit will be given to recipe suppliers in PBH recipe packets that are distributed to program participants.*

** *NOTE: The official advertising/promotion copy (for use with or without the logo) is provided to licensed participants by PBH. It may not be altered.*

VI. Ancillary Product Guidelines

A. Ancillary Product Definition

Ancillary products are defined as those items that are not used to directly sell fruits and vegetables at the point of purchase (such as plastic bags, signs, etc.) but are integral to publicizing and furthering the goals of the 5 A Day Program.

Ancillary products can be divided into three categories: 1) industry-produced products used to store or prepare fruits and vegetables; 2) industry-produced education materials and curricula about fruits and vegetables; and 3) health professional-produced education materials and curricula about fruits and vegetables. Other categories of products not outlined below are not currently allowed Ancillary LICENSEE status.

Specific products/materials only, not companies, are licensed under this license category. The 5 A Day logo approval is specific to the materials submitted for review and does not extend to other products/materials that a company may develop or produce.

1. **Industry Products:**

Items within this category are those products developed by either the fruit and vegetable industry or by allied industries that serve a major function in the storage or preparation of fruits and vegetables.

Examples of items that can be licensed (and can therefore be developed/sold with the 5 A Day logo and messages) within this category include: cutting boards, microwaves, cookbooks, vegetable steamers, vegetable peelers, juice machines, fruit and vegetable freezer bags, fruit corners, storage containers specific for fruits and vegetables, etc.

2. **Industry Education Materials/Curricula:**

Items within this category are those products developed by the fruit and vegetable industry or by allied industries that serve a major function in the storage or preparation of fruits and vegetables for the purpose of educating consumers about their product.

Items that can be licensed and may carry the 5 A Day logo and messages within this category include: educational materials (such as brochures and curricula) that assist a consumer in the purchasing, storage, or low-fat preparation of fruits and vegetables or that primarily promote fruits and vegetables. In order to use the logo, curricula must be reviewed using standardized criteria for evaluation. Curricula should undergo appropriate pretesting, evaluation, and modification based on pilot-testing among target audiences using state-of-the-art techniques. Testing results should be shared along with the curricula. Industry-produced brochures, provided free to consumers, should also be reviewed by PBH. Any recipes in education materials/curricula must meet 5 A Day recipes criteria (see section D of Appendix A-3).

3. **Health Professional Education Materials/Curricula:**

Items within this category include those commercial products that are developed by a trained health professional (e.g., dietitian, nutritionist with a degree from an accredited institution, health educator, etc.).

Items that can be licensed and can carry the 5 A Day logo and messages within this category include: materials/curricula (Web sites, cookbooks, curricula for schools, coloring books for children, stuffed fruit/vegetable characters, etc.), provided that they have been reviewed by PBH using a standardized evaluation criteria.

Items that cannot be licensed within this category include education materials/curricula that have not been reviewed by PBH.

B. Licensing Process

Because companies with ancillary products do not package, advertise, or sell fruits and vegetables (as do members of the 5 A Day Program), a separate process for determining eligibility for participation must be undertaken. These steps are:

1. The company must complete the Application for Ancillary Product Approval (attached). Submit the application to PBH at 5301 Limestone Road, Suite 101, Wilmington DE, 19808-1249; Fax: 302-235-ADAY (302/235-2329); or phone 302-235-5555.
2. PBH will submit the company application to the Ancillary Product Review Committee. This committee will discuss the company's application and make a determination for approval or disapproval of the application.
3. The committee may approve/disapprove, or "approve with changes" the company's application, and will place these comments on the Ancillary Product Approval Form (attached). This form will be returned to the company by PBH.

The Ancillary Product Review Committee makes the final decision about whether or not to allow use of the 5 A Day logo on a company's product. While the decision by the committee is final, a company may resubmit its program/materials provided that they have changed significantly to warrant subsequent review by the committee. Every other product owned by a company or any additional use of a company product not outlined on the original Ancillary Product Approval Form warrants resubmission to the Ancillary Product Review Committee.

4. The company must sign the Ancillary Product License Agreement (attached) and a copy of the Ancillary Product Approval Form if their product has been approved by the Ancillary Product Review Committee.
5. The company must then pay either an annual license fee or an annual royalty payment based upon annual gross product sales of product containing the 5 A Day logo, or work with PBH in some mutually acceptable manner. PBH will be allowed to audit company financial reports for those companies opting to pay the royalty fee. This audit will be at PBH's expense unless the company is found at fault, at which time the company would be required to pay the audit fees.

C. Guidelines for Participation

Companies that have received ancillary 5 A Day Product status via the Ancillary Product Approval Form must adhere to the program's General Guidelines (Guideline E.1. of the *10/99 Program Guidebook*). Such organizations must also agree to the following:

1. The logo may only be used in association with products (including web sites) or advertising that were outlined on the Ancillary Product Approval Form. All other products, any alteration to the product, or additional uses of the product, must be resubmitted to the Ancillary Product Review Committee.
2. The organization will supply PBH with two samples of all final materials produced promoting the 5 A Day Program and/or its messages. Samples of materials are necessary for working with NCI on program evaluation and for communicating activities to the press, PBH members, and other 5 A Day participants.
3. If using the program logo or messages in conjunction with a recipe, use only the official program recipes or ones that have met the 5 A Day recipe criteria (see section D of Appendix A-3) and have been approved by PBH. A set of the official recipes is available free of charge to ancillary product licensees.
4. The organization will provide a completed 5 A Day Activity Report to PBH on an annual basis to assist in the evaluation of program activities. Activity Report forms will be provided by PBH and are due annually.

5. The organization will conduct all 5 A Day-related activities in accordance with applicable Federal, State, and local laws and regulations, paying particular attention to nutrition health claims and labeling regulations promulgated by the FDA.

D. Benefits of Participation

As an ancillary product licensee, the company will receive the following from PBH:

1. A 5 A Day black and white logo slick and a four-color logo slide. The logo is also available on disk upon request;
2. Regularly developed advertising copy that is developed by NCI. Any advertising or promotional context, however, must be consistent with Guideline E.1.E. of the *10/99 Program Guidebook*, as noted previously. (In general, the use of NCI's name in any manner that might be interpreted as an endorsement of a particular product or company must include a disclaimer.);
3. Regularly developed program materials (i.e., recipes) as they are developed and as they are appropriate for your use; and
4. Recognition among the fruit and vegetable industry and other licensed 5 A Day participants of your activities, provided that you keep PBH informed of those activities.

Application for Ancillary Product Approval

Thank you for expressing interest in joining us in promoting the 5 A Day Program. Since your company is not one that packages, advertises, or sells those products that are promoted as part of the 5 A Day Program (e.g., fruits and vegetables; Guideline E.1.A. of the *10/99 Program Guidebook*), we have special procedures to decide whether you may use the 5 A Day logo under a license agreement. In order for the Produce for Better Health Foundation to determine your product/program acceptability, we must have the following information:

ORGANIZATION NAME _____ DATE _____

ORGANIZATION CONTACT NAME _____ CONTACT SIGNATURE _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE NUMBER _____

Type of product approval that you are seeking (please note the Ancillary Product Guidelines, attached, for a more detailed description of product categories):

- _____ Industry-produced products used to store or prepare fruits and vegetables (e.g. cutting boards, vegetable steamers, vegetable peelers, freezer bags, storage containers, etc.);
- _____ Industry-produced education materials and curricula about fruits and vegetables;
- _____ Health professional-produced education materials and curricula about fruits and vegetables;
- _____ Other; please describe:

For what use of the 5 A Day logo are you seeking approval? _____

Use on the product—please describe:

(Please attach two samples of the product for which you are seeking approval. Also, identify where the logo would be positioned on the product.)

Use in product advertising—please describe:

(Please attach two samples of the advertising for which you are seeking approval.)

This application will be submitted to the Ancillary Product Review Committee. This Committee makes the final decision about whether or not to allow use of the 5 A Day logo on your product. While the decision by the Committee is final, a company may resubmit its program/materials provided that the program/materials have changed significantly to warrant subsequent review by the Committee. Every other product owned by your company or any additional use of this product not outlined on this form will warrant resubmission to the Ancillary Product Review Committee. This Committee will respond, in writing, in 45 days or less.

Ancillary Product Review Committee Criteria (Yes/No):

Is the focus of this product one that will benefit the consumer or help communicate the 5 A Day message?

Is this product or the use of this product founded on a seemingly responsible and credible base?

Does this product promote the positive, enjoyable, and/or healthy attributes of fruits and vegetables?

Does this company share the 5 A Day Program's values and put fruits and vegetables in a positive light?

Does this company's product threaten the integrity, original intentions, goals, or objectives of the 5 A Day Program?

A review committee representing all involved parties in the 5 A Day Program will be responsible for reviewing and determining ancillary product approval. A positive response (e.g., a check in all of the boxes) will constitute approval by the Ancillary Product Review Committee.

Ancillary Product Approval Form

Upon review by the Ancillary Product Review Committee, _____ has received the following recommendation for Ancillary Product status within the 5 A Day Program:

_____ Accept the ancillary product as submitted on the Application for Ancillary Product Approval, dated _____. Allow the signing of the Ancillary Product License Agreement for the use outlined on the application.

_____ Accept the ancillary product as submitted on the Application for Ancillary Product Approval form, dated _____, with revisions noted below. If revisions have been made, allow the signing of the Ancillary Product License Agreement.

_____ Reject the submitted ancillary product as outlined on the Application for Ancillary Product Approval form, dated _____, for the reasons noted below:

Ancillary Product Review Committee Chair

The Ancillary Product Review Committee makes the final decision about whether or not to allow use of the 5 A Day Program logo on your product. While the decision by the Committee is final, a company may resubmit its program/materials provided that the program/materials have changed significantly to warrant subsequent review by the Committee. Every other product owned by your company or any additional use of this product not outlined on the original Application for Ancillary Product Approval form will warrant resubmission to the Ancillary Product Review Committee using another Application for Ancillary Product Approval form.

Ancillary Product License Agreement

The 5 A DAY—FOR BETTER HEALTH PROGRAM is a cooperative project of the National Cancer Institute and the Produce for Better Health Foundation (PBH). PBH is herein referred to as LICENSOR. Its purpose is to increase the consumption of fruits and vegetables by Americans. Under the project, organizations agreeing to comply with the terms and conditions set forth herein may be certified to participate in the program, and to use the 5 A DAY—FOR BETTER HEALTH logo and related materials.

(YOUR ORGANIZATION'S NAME)

herein referred to as ANCILLARY LICENSEE, is desirous of participating in the 5 A DAY—FOR BETTER HEALTH PROGRAM.

Effective on the subscribed date, in consideration of receipt of the program logo and related materials, ANCILLARY LICENSEE agrees to the following terms and conditions:

1. Use of Program Logo and Related Materials

LICENSOR grants ANCILLARY LICENSEE, its agents, and employees a non-exclusive, non-transferable, royalty-free right to use the program logo and related materials in connection with a single APPLICATION FOR ANCILLARY PRODUCT APPROVAL as completed by the LICENSEE and amended and/or approved by the ANCILLARY PRODUCT REVIEW COMMITTEE. The approved APPLICATION, attached, allows the ANCILLARY LICENSEE to:

(YOUR ORGANIZATION'S NAME)

All other possible uses of the logo by this ANCILLARY LICENSEE are a breach of this contract. Other uses of the logo must be resubmitted on the APPLICATION FOR ANCILLARY PRODUCT APPROVAL form. The ANCILLARY LICENSEE may use the program logo and related materials for the single Application throughout the United States of America in accordance with, and in the form and manner prescribed in, the Guidelines for Participation in the 5 A DAY—FOR BETTER HEALTH PROGRAM, a copy of which is attached and made a part hereof by reference, as such Guidelines may be amended from time to time.

2. Quality Maintenance Standards

ANCILLARY LICENSEE shall cooperate with LICENSOR in assuring proper use of the program logo and related materials, including providing LICENSOR with periodic evaluation reports, as specified in the Guidelines, and specimens of use of the program logo and related materials upon request. ANCILLARY LICENSEE shall comply with all applicable laws and regulations and obtain all appropriate Government approvals pertaining to the promotion, packaging, advertising, and sale of goods covered by this license.

3. Termination

- A. LICENSOR may terminate this agreement with thirty (30) days written notice to ANCILLARY LICENSEE upon completion of the 5 A DAY—FOR BETTER HEALTH PROGRAM. ANCILLARY LICENSEE may terminate this agreement upon thirty (30) days written notice to LICENSOR. Upon such termination, ANCILLARY LICENSEE shall in a timely manner discontinue all use of the program logo and related materials, and delete the same from its promotional, packaging, advertising, selling, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.
- B. LICENSOR may terminate this agreement with thirty (30) days written notice to ANCILLARY LICENSEE for breach of any of the provisions of this agreement by ANCILLARY LICENSEE. Upon such termination, ANCILLARY LICENSEE shall immediately discontinue all use of the program logo and related materials, and delete the same from its promotional, packaging, advertising, selling, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

FOR LICENSEE (COMPANY)

BY (AUTHORIZED SIGNATURE)

DATE

NAME AND TITLE OF PERSON SIGNING (PLEASE PRINT)

STREET ADDRESS

CITY

STATE

ZIP

PHONE:

FAX:

Type of company:

- ___ Industry. Industry-produced product used to store or prepare fruits and vegetables.
- ___ Industry. Industry-produced education materials and curricula about fruits and vegetables.
- ___ Health professional. Education materials/curricula about fruits and vegetables.
- ___ Other (please indicate):

Appendix A-6

GUIDELINES FOR FEDERAL GOVERNMENT PROGRAMS: 5 A DAY FOR BETTER HEALTH PROGRAM

A. Introduction

Federal Government organizations eligible to be licensed as 5 A Day participants will be referred to throughout this section as Federal Government programs. The reasons for involving Federal Government programs in the national 5 A Day Program are:

- to develop a network of programs that are scientifically credible to consumers and that will assist the National Cancer Institute (NCI) in maintaining the scientific integrity of the national program; and
- to provide, at the community program level, the necessary state-of-the art, interactive components of successful behavioral change interventions.

Examples of such interactive components are activities that motivate consumers, teach and model the skills necessary to increase fruit and vegetable consumption, and develop social support of dietary changes.

Federal Government programs are licensed by NCI as 5 A Day Program health participants to serve three principal functions:

1. They serve as credible health promotion programs by promoting the 5 A Day message through media activities and cooperative projects. They will also help to ensure the scientific credibility of the program by careful attention to the manner in which messages about the program are stated and by adhering to program guidelines.
2. They maintain high standards of intervention quality by emphasizing activities that motivate and assist target populations to develop the skills necessary to make dietary changes and by periodically monitoring activities of their programs.
3. They report program activities to the NCI for the purposes of sharing strategies and contributing to the national database on the 5 A Day Program.

The license requirements outlined below are aimed at attaining these three principal functions and assuring the proper use of the 5 A Day trademarked materials and logo. Eligible licensees are general Government programs.

Organizations wishing to become a licensed participant must abide by the Guidelines listed in section B below. The procedures for obtaining a license are outlined in section E below.

B. Requirements for Participating Are as Outlined Below in Sections B.1. Through B.8.

1. *General Guidelines:* All eligible organizations participating in the national program must abide by the “Guidelines for Participation in the 5 A Day For Better Health Program,” as stated in Guidelines E.1., General Guidelines for All Participants, and E.1.D., Recipe Criteria of the *10/99 Program Guidebook*:
 - (a) Any new materials developed by a Federal Government program must follow the principles enumerated in section C below, “Materials Development Guide.” The following procedures must be followed:
 - (1) The first set of materials developed by the Federal Government program after the license agreement is signed must be reviewed by NCI. Materials should be sent with a cover letter to the 5 A Day Program National Office at NCI. The NCI expects to be able to respond within 2 weeks; however, 1 month’s notice should be allowed.
 - (2) Subsequent to this first review, NCI does not plan to review each new set of materials developed under the auspices of the Federal Government program, unless the developer would like the material to be considered for national distribution or wishes us to use the 1-800-4CANCER number.
 - (3) However, NCI must be notified in writing prior to development of all new materials (including those that will not be reviewed), and two (2) copies of all materials must subsequently be sent to NCI. It is assumed that NCI’s review of the first set of materials will amplify the guidance provided in the “Materials Development Guide,” and the content of subsequent materials will ultimately be the responsibility of the Federal Government program.
 - (4) The use of NCI’s name in any materials should follow the guidance on logo use in Guidelines E.1.E.-I. of the *10/99 Program Guidebook*.
 - (b) The Cancer Information Service (CIS) is NCI’s primary outreach network covering the entire United States. Regional CIS outreach coordinators are available to help facilitate 5 A Day coordination. The CIS can also give callers basic information about the program. CIS outreach staff are available to provide technical assistance in a number of program areas, including program planning, networking, developing media contacts, and review distribution of materials. LICENSEES are encouraged to remain in routine contact with their regional CIS outreach coordinator to keep him/her informed of activities. This kind of consistent communication will enable CIS outreach staff to perform a valuable networking function based on the best available information. (A list of CIS contacts will be provided in the starter kit).
2. *Policy:* Promote as organization policy the message that eating five or more servings of fruits and vegetables every day as part of a low-fat, high-fiber diet is the dietary guidance recommended to the public. The development of specific measures to implement this policy internally within the Federal Government program is encouraged.
3. *Communications:* Communicate state and national NCI and Produce for Better Health Foundation (PBH) activities, program changes, and suggested activities to appropriate entities in your program through periodic newsletters, meetings, or other communication media. As cooperative national partners, NCI and PBH should be on mailing lists to receive such written communications in order to enhance national communication efforts.

To assist you in this effort, NCI and PBH will provide one copy of periodic newsletters and updates to all licensed Federal Government programs for your duplication and distribution.

4. *Promotional Activities*: Conduct at least one major theme-related program event per year, preferably in coordination with national 5 A Day promotions, and in conjunction with 5 A Day-licensed State health agencies.

Media or program events should be created with some model of behavior change in mind. In particular, events are encouraged that create awareness, motivate consumers to eat more fruits and vegetables, teach consumers skills needed to increase consumption, create social support, or create supportive changes in the foods systems which serve the target populations.

Media or program events may include, but are not limited to:

- Activities that create *awareness* might be media events or activities emphasizing the need to eat five or more servings of fruits and vegetables every day. Examples of such media or program events follow:
 - Placement of NCI media materials prepared for special events, such as 5 A Day Week, within mass media outlets;
 - Media events sponsored by the licensed Federal Government program, such as press conferences, media tours, contests, or competitions;
 - Media events conducted in collaboration with other credible groups, such as units of State or local government, civic organizations, or consumer groups;
 - Media events conducted in cooperation with businesses, including those licensed to participate in the national program;
 - Community-level media events coordinated with local entities such as licensed commissaries or supermarkets, professional societies, civic organizations, social or religious groups, agricultural organizations, medical centers; or
 - Program activities, such as the development of a Request for Applications for local research or demonstration projects; contests; competitions; or joint efforts with other channels, such as schools, food assistance programs, worksites, food services, supermarkets, farmers markets, etc.
- Activities that *motivate* might include messages about the association between diet and cancer or between eating a healthy diet and looking and feeling better. Incentive-based activities might include contests involving fruits and vegetables, coupons for purchasing fruits and vegetables, etc.
- Activities that involve *skills development* might offer specific tips on how to pack fruits and vegetables in brown bag lunches, how to make choices in mess halls or restaurants, how to cook certain vegetables, etc.
- Activities that *develop social support* might be suggestions on how to use peer influence by adopting “buddies” at work or at home to reinforce healthful eating habits, etc.
- Activities that *promote food-system and environmental support* might include labeling of fruit and vegetable dishes served in cafeterias that meet the 5 A Day criteria; modifications of food-service menus; and the development of catering policies that include fruit and vegetable options at all military-sponsored or company-sponsored events, such as picnics and conferences.

NCI also encourages the licensee to establish an ongoing media relations program intended to sustain media coverage of fruit and vegetable consumption as a health issue.

5. *Quality Control*: Maintain quality standards within the program by:
 - Abiding by the national 5 A Day Guidelines, and assisting industry partners in meeting regulations related to nutrition labeling and health claims; and
 - Monitoring sublicensees to assure they are abiding by the Guidelines. (The minimal monitoring activity would consist of periodic spot checks to assure appropriate use of the logo and materials.)
6. *Reporting*: Provide NCI with a semi-annual progress report of activities (provided under separate cover). Provide NCI and PBH with at least one copy of all consumer brochures, press releases or kits, public service announcements, videos, training aids, surveys, and evaluation reports. Provide NCI with two copies of any educational material developed. NCI and PBH would also welcome labeled and dated slides of displays, community events, or other activities.
7. *Cooperation*: Federal Government programs are asked to cooperate whenever possible with the designated 5 A Day coordinator in each State.
8. *Access*: Provide NCI staff (or its designates, including PBH) with the opportunity, if requested, to interview key program participants, either in person, by written questionnaire, or telephone about their participation in the program.

C. Materials Development Guide

This guide is intended for use in the development of 5 A Day materials. The following principles must apply to materials developed for the 5 A Day Program by Federal Government programs:

1. An appropriate nutrition professional must have developed or reviewed the materials for scientific and technical accuracy. Appropriate nutrition professionals are registered dietitians, licensed dietitians, nutritionists, or home economists with at least Masters level preparation in foods or nutrition.
2. Guidelines E.1.E.-I. of the *10/99 Program Guidebook* concerning logo use must strictly be followed to permit use of the 5 A Day logo and NCI taglines on any materials. Particular attention must be paid to the fact that NCI should not be perceived as “endorsing” a specific product or program.
3. The fruits and vegetables promoted must meet the program specifications, (Guideline E.1.A. of the *10/99 Program Guidebook*) and should be promoted as part of a low-fat, high-fiber eating pattern.
4. 5 A Day messages must be consistent with current national consensus dietary guidance, as provided in such documents as the *Dietary Guidelines for Americans*, *Diet and Health*, *Healthy People 2010*, and the *Food Guide Pyramid*.
5. All Federal, State, and local laws and regulations must be observed, with special attention paid to the nutrition health claims and food-labeling regulations.
6. Materials developed should fit into some theoretical model of behavior change, used as the basis for intervention or media activities. For example, in the stages-of-change model, persons in the precontemplation stage would be more interested in a pamphlet that describes the benefits of eating more fruits and vegetables than in a pamphlet that describes precisely how to eat more. Several shorter pamphlets may suit this model better than packing all the information into one publication. It is also advisable to use available consumer research when developing 5 A Day messages.

7. Materials should be culturally appropriate, taking into account the traditional eating patterns of the target population. Materials should be pretested with members of the intended target population. (See *Making Health Communication Programs Work: A Planner's Guide*; NIH Publication No. 89-1493, April 1989.) NCI may be able to offer some expertise in the development of materials for special populations, such as low-literacy audiences, older people, African Americans, and Hispanic Americans.
8. If there are questions about any issue, please contact the NCI for clarification (see section E of this appendix).

D. Suggested Evaluation Guide

Through survey and market research activities, conduct periodic assessments of the program's impact and make the findings available to NCI and program partners.

Information collected might include: diet-related consumer characteristics, such as socio-demographics, awareness, knowledge, attitudes and beliefs, motivation, dietary skills and practices, and fruit and vegetable consumption, both in the general population and in population subgroups. Other community-level data might include tracking the number and types of organizations participating in 5 A Day events, implementation of interventions in such settings as supermarkets or worksites, changes in the composition of foods served in cafeterias or mess halls, etc.

Data collection methods may include, but are not limited to:

- Inserting relevant questions in ongoing surveys or data collection activities;
- Conducting special surveys, market research, and/or focus groups to obtain a more complete profile of various consumer segments;
- Conducting formative evaluation on intervention approaches and participant satisfaction; or
- Establishing a framework for evaluation of the Federal Government program, including the collection of process and outcome indicators.

Federal Government programs are encouraged to promote technical and scientific exchange through the publication of descriptive and evaluative papers in the professional, business, and peer-reviewed literature.

These Guidelines may be periodically revised. Your suggestions are welcome, especially those pertaining to ways in which your participation could be facilitated.

E. How to Obtain a License

1. Federal Government programs may sign and return to NCI the license agreement (see attached). The agreement must be signed by the appropriate official and, if different, the Federal Government program director. Mail the signed agreements to: 5 A Day Program National Office, National Cancer Institute, National Institutes of Health, 6130 Executive Boulevard, EPN 4082, Bethesda, MD, 20892; phone, 301-496-8520; and fax, 301-480-6637.
2. Adhere to all applicable requirements in Guidelines E.1. and E.9. of the *10/99 Program Guidebook*.
3. Once a license is received and accepted, a 5 A Day Program Starter Kit will be mailed to the licensee. It will contain a variety of information, including program background information, semi-annual progress report form, activity tracking form, newsletters, lists of 5 A Day participants, etc.

Three copies of new program materials will be sent to the Federal Government program as they become available. The Federal Government program will then make arrangements for duplicating copies for distribution to their program participants.

FEDERAL GOVERNMENT PROGRAM LICENSE AGREEMENT 5 A DAY FOR BETTER HEALTH PROGRAM

The 5 A DAY—FOR BETTER HEALTH PROGRAM is a cooperative project of the National Cancer Institute (NCI) and the Produce for Better Health Foundation (PBH). The purpose of the program is to increase the consumption of fruits and vegetables by Americans. Federal Government organizations agreeing to comply with the terms and conditions set forth herein may be certified to participate in the program, and to use the 5 A DAY—FOR BETTER HEALTH logo and related materials. (NCI is herein referred to as LICENSOR.)

(YOUR ORGANIZATION'S NAME)

herein referred to as LICENSEE, is desirous of participating in the 5 A DAY—FOR BETTER HEALTH PROGRAM.

Effective on the subscribed date, in consideration of receipt of the program logo and related materials, LICENSEE agrees to the following terms and conditions:

1. Use of Program Logo and Related Materials

LICENSOR grants LICENSEE, its agents, and employees a non-exclusive, royalty-free right to use the program logo and related materials in connection with the promotion of the program throughout the agency in accordance, and in the form and manner prescribed in, the *GUIDELINES FOR PARTICIPATION IN THE 5 A DAY—FOR BETTER HEALTH PROGRAM GUIDEBOOK*, a copy of which is attached and made a part hereof by reference, as such guidelines may be amended from time to time.

2. Quality Maintenance Standards

LICENSEE shall cooperate with LICENSOR in assuring proper use of the program logo and related materials, including providing LICENSOR with periodic evaluation reports, as specified in the Guidelines, and samples of use of the program logo and related materials as specified in the Guidelines and upon request. LICENSEE shall comply with all applicable laws and regulations pertaining to food labeling and health claims.

3. Termination

- A. LICENSOR may terminate this agreement with a thirty (30) day written notice to LICENSEE upon completion of the 5 A DAY—FOR BETTER HEALTH PROGRAM. LICENSEE may terminate this agreement upon thirty (30) days written notice to LICENSOR.

Upon such termination, LICENSEE shall in a timely manner discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

B. LICENSOR may terminate this agreement with thirty (30) days written notice to LICENSEE for breach of any of the provisions of this agreement by LICENSEE. Upon such termination, LICENSEE shall immediately discontinue all use of the program logo and related materials, and delete the same from its promotional, educational, and other printed materials, and destroy all printed materials bearing the program logo and any related materials.

LICENSEE

NATIONAL CANCER INSTITUTE

SIGNATURE: Program Director

SIGNATURE

TYPED NAME

TYPED NAME

TITLE

TITLE

DATE

DATE